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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,798	12/04/2003	Phillip M. Adams	2456.2.13.1	6835
28049 7590 11/23/2009 PATE PIERCE & BAIRD 175 SOUTH MAIN STREET, SUITE 1250 SALT LAKE CITY, UT 84111				
EXAMINER McCORMICK, GABRIELLE A				
ART UNIT		PAPER NUMBER		
3629				
MAIL DATE		DELIVERY MODE		
11/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/727,798

Applicant(s)

ADAMS, PHILLIP M.

Examiner

Gabrielle McCormick

Art Unit

3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 2, 4-13 and 17-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jamisue A. Plucinski/
Primary Examiner, Art Unit 3629

Continuation of 5. Applicant's reply has overcome the following rejection(s): Amendments to claim 1 and 20 overcome 112, first paragraph rejections to claims 1-2, 4-13 and 17-20. The rejection under 112, second paragraph is overcome with the amendment to claim 2.

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner is not persuaded by Applicant's arguments.

- 1) Claim 1: Applicant argues that Examiner ignored the claim limitation of "populating". Office Action cites curriculum Sequencing as disclosing topics represented in a dependency graph with links representing relationships between prerequisite, co-requisite, etc. topics. In performing the representation, both organizing and populating of the dependency graph is disclosed.
- 2) Claims 4 and 8: Applicant argues that disclosure is not provided for inserting standardized codes and argues the references separately. Fields teaches determining analogous course information using the course title and keywords. Fields doesn't teach using standardized codes, thus requiring the UPC codes (an example of a standardized code) taught by Tam. Tam additionally teaches that a single UPC is used by differing suppliers (such as are the first and second institutions) for the same item, thus analogous information (e.g. the specific pair of Lee jeans from Sears and the same specific pair of Lee jeans from J.C. Penney) are coded with the same standardized code. This does not produce, as Applicant asserts, applying the same UPC to two different course because Tam teaches applying the UPC to the "very same item". Fields has taught the step of determining the analogous course in which to apply the same UPC codes to.
- 3) Claims 5-7: As discussed above, Fields/Tam teaches determining the analogous courses and using the same standardized code for the analogous courses. XML tags, as taught by Danner, provide the teaching of XML tags.
- 4) Claim 20: Applicant argues that it defies logic to assert that two different programmers would codes their respective course catalog information with the exact same XML codes. The Examiner notes that the claim 20 states, "coding first catalog information corresponding to the first plurality of courses and second catalog information corresponding to the second plurality of courses with XML tags to create XML pages". There is no limitation that requires the XML tags to be the same for the two sets of catalog information.